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MARK R. WISNER
WISNER & ASSOCIATES
1177 WEST LOOP SOUTH, SUITE 400
HOUSTON, TX 77027-9012

In re Application of
Charles A. Conrad
Serial No.: 09/397,782 : PETITION DECISION
Filed: September 16, 1999
Attorney Docket No.: INGA,004/CIP

This is in response to the petition under 37 CFR 1.181, filed July 14, 2005, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed a Final Office action to applicant on April 22, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed October 1, 2003. Applicant states that a reply was submitted on August 22, 2002, which included RCE papers, a request for a one month extension of time and a response to the Office action and all appropriate fees, and provide copies thereof with a properly executed Certificate of Mailing dated August 22, 2002. Applicant states that the Notice of Abandonment was never received, but also state that a Change of Correspondence Address was to have been submitted in April, 2002, implying that such was never submitted. (The Change submitted with the petition will be entered.) No record of any Change of Address can be found in the file. Thus the Notice of Abandonment was mailed to the correspondence address of record. It is noted also that applicant delayed over 15 months from the date of mailing of the Notice of Abandonment to the initial filing of this petition (apparently filed in December, 2004, but never received by the Office). In view of the delay a Terminal Disclaimer is required in order for this petition to be granted which disclaims the terminal portion of the patent term equivalent to the delay in filing a grantable petition. (The term will be determined by the Office upon submission of the disclaimer.)

The petition is **DISMISSED** pending filing of a renewed petition accompanied by a terminal disclaimer and fee. Any renewed petition must be filed within TWO MONTHS in order to be considered timely.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Jasemine C. Chambers
Director, Technology Center 1600